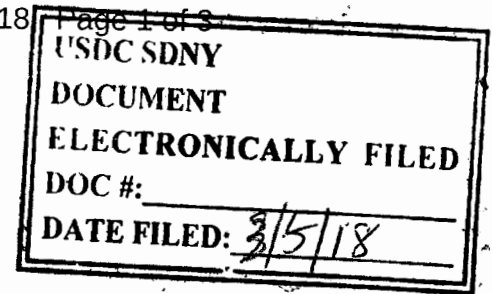


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March 1, 2018

The Honorable Judge Alvin K. Hellerstein
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

*Re: 1:17-cv-09441-AKH Plaintiff's First Letter Motion for Extension of Time within
Which to Effectuate Service on John Doe Defendant*

Dear Judge Hellerstein:

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, move for entry of an order extending the time within which Plaintiff has to serve the John Doe Defendant with a Summons and Amended Complaint, and states:

1. Plaintiff commenced this action against the internet subscriber assigned IP 74.68.148.245 ("Defendant") on December 1, 2017, at which time it filed a complaint alleging that Defendant copied and distributed one or more of Plaintiff's copyrighted works, all without Plaintiff's consent. *See* CM/ECF 1. Plaintiff asserted a claim for direct copyright infringement, and requested that Defendant delete and permanently remove, and be enjoined from continuing to infringe, Plaintiff's copyrighted works. *See id.*

2. On December 12, 2017, Plaintiff was granted leave to serve a third-party subpoena on Defendant's ISP, Time Warner Cable, to obtain the Defendant's identifying information [CM/ECF 13]. Plaintiff issued the subpoena on December 13, 2017 and received a response from the ISP's on January 22, 2018.

3. Upon receipt of the subscriber's identifying information, Plaintiff conducted a thorough investigation and determined that the subscriber was indeed the infringer. Plaintiff is now in the process of preparing its Amended Complaint to name the Defendant.

4. Pursuant to the Court's Order dated December 12, 2017, Plaintiff is barred from disclosing Defendant's name in any filing. As such, prior to amending the Complaint, Plaintiff will need to file a Motion for Leave to File Amended Complaint, Summons, and Return of Service Under Seal, wait for the Court to enter a ruling, and obtain a summons before it is able to serve the Defendant.

5. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on to Defendant on March 1, 2018.

6. Procedurally, Plaintiff respectfully requests that the time within it must effectuate service of a summons and Amended Complaint on Defendant be extended by an additional thirty (30) days, or until April 2, 2018.

7. This motion is made in good faith and not for the purpose of undue delay.

8. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended until April 2, 2018.

Dated: March 1, 2018

Respectfully submitted,

By: /s/ Kevin T. Conway
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Judge wrote:

“Motion denied. Plaintiff’s delay in attending to this action is not explained sufficiently. An enlargement of time within which to effect service is not justified.

3-5-18

Alvin K. Hellerstein”